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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q74006

Deepankar CHATTERJEE

Appln. No.: 10/764,553

Group Art Unit: 1643

Confirmation No.: 9897

Examiner: Tom V. Sheng

Filed: January 27, 2004

For: A PROMOTER FOR HIGH-THROUGHPUT SCREENING FOR INHIBITORS
AGAINST MYCOBACTERIA UNDER LOW CARBON CONDITIONS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement, dated January 11, 2006, Applicant elects Group I., claims 1-12 for examination. This election is made with traverse.

MPEP § 803 provides that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits. In the Office Action, the Examiner indicates that the claims of Groups I and II are classified in separate classes. Additionally, the Examiner provides reasons why he considers the claims of Groups I and II to be drawn to different inventions. Notwithstanding the manner in which subject matter is classified in the USPTO for search purposes, which in any event is not determinative of dependent and distinct inventions within the Statute or the Rules, the claims of Groups I and II are so inextricably interrelated that either group of claims cannot be comprehensively examined without also searching those areas in which the other group is classified.

Moreover, while acquiescence in a restriction requirement and the attendant filing of a Divisional application surely represents the "path of least resistance", the cumulative government

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filing, issue and maintenance fees alone involved in pursuing such course of action currently totals more than \$9000, which seems a high price indeed to spare the examiner from whatever additional search may be necessary.

In view of the foregoing, Applicant requests that the requirement be withdrawn upon reconsideration.

Applicant reserves the right to file a Divisional Application directed to non-elected claims 13-22.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: February 13, 2006